

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Panchayats - Rajavolu Gram Panchayat, Rajahmundry Rural Mandal – East Godavari District – Sri. Pattapagalu. Vara Prasad, Sarpanch, Rajavolu Gram Panchayat, (Removed) under section 249(1) of Andhra Pradesh Panchayat Raj Act, 1994 – for misappropriation of Gram Panchayat Funds - and recovery Orders under the provision of Section 265(2) of A.P.P.R. Act, 1994 – Appeal Petition filed by him and before of the Government – Dismissed -Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt No.1546

Dated: 16-10-2008

Read the following :-

- 1) From the District Collector (PW), East Godavari District, Progs.Roc No. 3422/2007/A2, dt 28-05-2008.
- 2) Sri Pattapagalu. Vara Prasad, Sarpanch (Removed), Rajavolu Gram Panchayat, Appeal Petition dated. 15-07-2008.
- 3) Govt. Telegram No. 16979/PTs-II/A1/2008-3, dt. 28-07-2008.
- 4) From the District Panchayat Officer, (FAC), East Godavari District, Lr.Roc.No. 3422/2007/A2, dt. 14-08-2008.

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ORDER:

In the reference 1st read above, the District Collector, (PW), East Godavari District has removed Sri Pattapagalu. Vara Prasad, Sarpanch, Rajavolu Gram Panchayat, Rajahmundry Rural Mandal of East Godavari District under section 249(1) of A.P.P.R. Act, 1994 for misappropriation of Gram Panchayat Funds and also issued orders under section 265(2) of A.P.P.R. Act, 1994 for recovery of an amount of Rs. 2,41,986/- .

2) Aggrieved by the said orders, Sri Pattapagalu. Vara Prasad, Sarpanch, Rajavolu Gram Panchayat, Rajahmundry Rural Mandal of East Godavari District has filed an Appeal Petition before Government stating that the order of District Collector, (PW), East Godavari District, dated 28-05-2008, is illegal contrary to Law and violation of principles of Natural Justice mala fide. The District Collector, (PW), erred in holding that the appellant had committed misappropriation of Gram Panchayat Funds to a tune of Rs. 2,41,986/- and not remitted the amount in spite of issuing notice under section 265 (2) of A.P.P.R. Act, and the appellant has failed to submit his explanation in spite of issues of notices to him under section 249 (1) and 265 (2) of A.P.P.R. Act. And the District Collector, (PW), failed to consider representation submitted by the appellant on 19-05-2008 requesting to him to furnish the report Divisional Panchayat Officer, and furnish the report Divisional Panchayat Officer and furnish the details of the reduced amount so as to give the explanation to show cause notices. He has also stated that the District Collector, (PW), failed to consider to the representation dated 19-05-2008 and seeking one week time for submitting the detailed explanation. And the District Collector, (PW), East Godavari District in spite of received the representation dated. 19-05-2008 from the appellant had not passed any orders on his representation before the passing the order of removal. The petitioner finally prayed to declare the proceedings Roc.No. 3422/2007/A2, dated. 28-05-2008 of the District Collector, (PW), East Godavari District and quash or set aside the same and issue a consequential direction to the District Collector, (PW) East Godavari District to authorize the appellant to function as Sarpanch

(P.T.O.)

3) The case was posted for hearing on 29-08-2008, the Petitioner appeared in person and also the District Panchayat Officer, East Godavari District and also District Collector. While reiterating the contentions raised in the appeal has pleaded that as he has remitted the alleged misappropriated amount and he may be re-inducted as Sarpanch, by allowing his appeal duly treating it as a first mistake.

4) Government have gone through the records produced by the District Panchayat Officer, at the time of hearing. It is on record that during the inspection of the Gram Panchayat records by the Divisional Panchayat Officer, Rajahmundry it was noticed that the appellant has drawn an amount of Rs. 9,48,882/- of Gram Panchayat Funds for which he has not accounted for. Based on the report of Divisional Panchayat Officer, a Show-cause Notice was issued by the District Collector, (PW) on 20-11-2007 and 27-11-2007 on receipt of the explanation of the appellant and on further verification of records with reference to the Bills and Vouchers filed by the appellant, the misappropriated amount was arrived at Rs. 2,41,986/- for which the appellant has no explanation. As the appellant has misappropriated huge amounts of Gram Panchayat Funds, the District Collector, (PW) has removed the appellant from the post of Sarpanch. The subsequent remittances of the misappropriated amounts made by the appellant does not absolve him of the charge of misappropriation of Gram Panchayat Funds and it shows that the remittances made by the appellant amply proves that he has misappropriated the Gram Panchayat Funds, hence there are no valid grounds found to interference with the impugned orders. The Revision Petition is hereby dismissed.

5) The District Collector (PW), East Godavari District is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT

To

The District Collector (PW), East Godavari District, Kakinada.

Copy to:

The Commissioner, PR & RE, A.P., Hyderabad.

The District Panchayat Officer, East Godavari District, Kakinada.

Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER.